

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MARCH 25, 2014 – 7:00 P.M.

Prayer offered by Councilman Paul R. Riddick, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Dr. Whibley from today's meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

Mayor Fraim presented the Girl Scout Week Proclamation to the Colonial Coast Council Girl Scouts.

Mayor Fraim presented Kris Kolakowski, Director of the MacArthur Memorial with a Proclamation for the MacArthur Memorial's 50th Anniversary and encouraged citizens to visit the Memorial during the month of April to celebrate the 50th Anniversary.

Mayor Fraim proclaimed the month of April as International Month. Trish Carrier accepted the Proclamation on behalf of NATOFest, Virginia Arts Festival, Norfolk Sister City Association and the Norfolk Public Library.

INVITATION TO BID

IB-1

INVITATION TO BID scheduled this day under State law, public notice having been inserted in the local press by the City Clerk, to accept bids for a long term garage **Parking Agreement**, with a term of ten years, for 40 residential parking spaces in the **Boush Street Garage** and for 95 residential parking spaces in the **Town Point Garage**.

No one was present spoke on the matter.

Thereupon, an Ordinance entitled, "An Ordinance accepting the Bid submitted by Seaboard Building, LLC for a Long Term Garage Parking Agreement, with a term of ten years, for 40 residential parking spaces in the Boush Street garage and for 95 residential parking spaces in the Town Point garage, subject to certain terms and conditions," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Keith W. Roemer**, for a change of zoning from Conditional I-1 (Limited Industrial) and R-8 (Single-Family) districts to Conditional I-1 district on property located at **3404 and 3406 Westminster Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone properties located at **3404 and 3406 Westminster Avenue** from Conditional I-1 (Limited Industrial) and R-8 (Single-Family Residential) Districts to Conditional I-1 (Limited Industrial) District,” was introduced in writing and read by its title.

Keith Roemer, 213 Palen Avenue, Newport News, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **David Colby**, for a change of zoning from Conditional OVR (Ocean View Residential District) to Conditional R-12 (Multi-Family) on property located at **3401 E. Ocean View Avenue**.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **3401 East Ocean View Avenue** from Conditional OVR (Ocean View Residential) to Conditional R-12 (Multi-Family Residential) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of **Calvary Baptist Church**, for a change of zoning from R-8 (Single-Family) to IN-1 (Institutional District) on property located at **3301 Thomas Street**.

Richard Thomas, 3301 Thomas Street, applicant, was present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to rezone property located at **3301 Thomas Street** from R-8 (Single-Family Residential) to IN-1 (Institutional) District,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission on behalf of Adams Outdoor Advertising**, to amend Chapter 16, “Signs,” of the *Zoning Ordinance* in order to modify existing regulations pertaining to outdoor advertising signs including conversion of signs to digital format.

Jim Balestino, 5547, East Virginia Beach Boulevard and Jean Mumm, 999 Waterside Drive, were present to answer questions.

Thereupon, an Ordinance entitled, “An Ordinance to amend Sections 16-3 and 16-6.15 of the *Zoning Ordinance of the City of Norfolk, 1992*, **SO AS TO** modify requirements for Billboards,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-5

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to repeal Chapter 15, “Off-Street Parking and Loading,” of the *Zoning Ordinance* and adopt a new Parking chapter, and to amend Chapters 2, 4, 8, 9, 10, 13 and 25 in order to update the parking standards for automobiles and bicycles citywide.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain all of Chapter 15 and portions of Sections 4-0, 10-15.5, and 25-10 of the *Zoning Ordinance of the City of Norfolk, 1992*, in order to **revise the regulations for required parking**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-6

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend Section 16-8.7, “Signs permitted in the special purpose districts,” of the *Zoning Ordinance* to modify the regulations for IN-1 (Institutional) and IN-2 (Institutional Campus).

Thereupon, an Ordinance entitled, “An Ordinance to amend Section 16-8.7 of the *Zoning Ordinance of the City of Norfolk, 1992*, in order to increase the availability for signage in the IN-1 (Institutional) and IN-2 (Institutional Campus) Zoning Districts,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-7

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend the City’s General Plan, *plaNorfolk2030*, to establish locational criteria and performance standards for automobile-related establishments, including the East Little Creek Road and Military Highway Corridors.

Thereupon, an Ordinance entitled, “An Ordinance to amend the General Plan of Norfolk *plaNorfolk2030*, **SO AS TO** promote locational criteria and operational standards for automobile-related establishments,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-8

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to a) amend Section 2-3 of the *Zoning Ordinance*, in order to change the name of the “Urban Character District” to the “Traditional Character District” and b) establish boundaries of the “**Downtown**”, “**Traditional**” and “**Suburban**” Character Districts.

Thereupon, an Ordinance entitled, “An Ordinance to amend Section 2-3 of the *Zoning Ordinance of the City of Norfolk, 1992*, in order to change the name of the “**Urban Character District**” to the “**Traditional Character District**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-8A

An Ordinance entitled, “An Ordinance to establish the boundaries of Character Districts for purposes of applying provisions of the *Zoning Ordinance of the City of Norfolk, 1992*,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Frain.

No: None.

PH-9

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving a Land Disposition and Development Contract with Howerin Construction Corp., for six parcels of real property containing 0.84 acres, more or less, located on **Church Street between Washington Avenue and Johnson Avenue**.

Alton Robinson, 735 West 35th Street, spoke in opposition to this matter.

Thereupon, an Ordinance entitled, “An Ordinance approving a Land Disposition and Development Contract with Howerin Construction Corp. for six parcels of real property containing 0.84 acres, more or less, located on **Church Street between Washington Avenue and Johnson Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, and Fraim.

No: None.

Abstain: Winn. Mr. Winn is a member of a business doing business with Howerin Construction Corp.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting Metro Machine Corporation t/a General Dynamic – Nassco – Norfolk to encroach into the 200 block of **Ligon Street** right-of-way with five (5) existing concrete traffic barriers,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the acquisition of a perpetual right of way easement and a temporary construction easement from Midtown Development Corporation over certain property located at **104 E. Little Creek Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting permission DLC, L.L.C. t/a The Max to encroach into the right-of-way of Colley Avenue at **1421 Colley Avenue** with an area measuring 9 feet by 43 feet by 8 inches directly in front of the Max Restaurant for the purpose of providing facilities for outdoor dining,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and a Resolution entitled, “A Resolution to adopt the **Emergency Operations Plan** as revised,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in support of this matter.

ACTION: The Resolution as introduced was **adopted**, effective March 25, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Joanne Berkley, 1419 Buckingham Avenue; Alice Allen-Grimes, 1322 Mallory Court; Mark Perreault, 950 Hanover Avenue; Karen Perrault, 950 Hanover Avenue; Susan Schrader, 1766 Farragut Avenue and Richard Levin, 122 West 21st Street, asked council to consider saving the historic portions of Larchmont and Ocean View Elementary Schools.
2. Danny Lee Ginn, 3844 Dare Circle, commented on good government.